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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,784 02/25/2004		Journey M. Ralbovsky	JOUR 36085US1 3696	
116	7590 11/16/2005		EXAMINER	
	GORDON LLP		QIN, JIA	NCHUN
1801 EAST 9 SUITE 1200	TH STREET		ART UNIT	PAPER NUMBER
	D, OH 44114-3108		2837	
			DATE MAILED: 11/16/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 25 August 2005. 2a)⊠ This action is FINAL. 2b)□ This action is non-finat. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 2-7 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)☑ Claim(s) 5 and 6 is/are allowed. 6)☑ Claim(s) 5 and 6 is/are allowed. 6)☑ Claim(s) 2-4 is/are objected to. 8)□ Claim(s) 2-4 is/are objected to. 8)□ Claim(s) 2-4 is/are objected to by the Examiner. 10)☑ The specification is objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. Application Papers 9)□ The specification is objected to by the Examiner. Application Papers 9)□ The paper of request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * o)□ None of. 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No. 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1)□ Notice of References Cited (PTO-882) 3)□ Information Disclosure Statement(s) (PTO-1449 or PTO/SBU6)			Application No.	Applicant(s)			
Jianchun Qin	Office Action Summary		10/786,784	RALBOVSKY, JOURNEY M.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALINIS DATE OF THIS COMMUNICATION. Extendinos of term says be availated under the provisions of 3 OF R1.136(), in no went, however, may a early be timely filed in the communication of the provision of 3 OF R1.136(), in no went, however, may a early be timely filed in the provision of Claims 4) ○ Claim(s) 2-7 is/are pending in the application. 4a) Of the above claim(s)			Examiner	Art Unit			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exencions of mem myb a waisbud under the provisions of 37 CPR 1.35(a), the overth. however, may a reply be limitly filled after 50 Kg) MONTISS from the mailing date of this communication. Faints to reply within the side or extended period for reyll this pattine, such as possible or the mailing date of this communication. Faints to reply received by the Diffest bater than three months after the mailing date of this communication, even if timely filed, may reduce any seared patter than displayment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 25 August 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 2-Z is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) S and 6 is/are allowed. 6) □ Claim(s) 2-d is/are rejected. 7) □ Claim(s) 2-d is/are objected to. 8) □ Claim(s) 2-d is/are objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on 022504 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) sobjected to. See 37 CFR 1.81(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the pr	·	PERIOD FOR REPLY	(IS SET TO EXPIRE 3 MONTH	(S) OR THIRTY (30) DAYS			
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Application/Control Number: 10/786,784

Art Unit: 2837

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Little (6,034,308).

Little discloses a guitar having a back and a side surfaces (Fig. 1), the improvement comprising: a recess for receiving the breast of a player when the guitar held against the chest, said recess being located in said back surface adjacent the upper side surface when the guitar is held in playing position (Fig. 4, and col. 4. lines 8-9).

Allowable Subject Matter

- 3. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 5 and 6 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 2 and 4 is the inclusion of the limitation that said recess is a molded piece inserted in said guitar. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 3 is the inclusion of the limitation that said recess is a hole. It is this limitation found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

The primary reason for the allowance of claims 5 and 6 is the inclusion of the claimed method steps of: forming a breast-accommodating insert, and mounting said insert in said in said opening in position to receive the breast of player when the guitar is held in playing position. It is these steps found in each of the claims, as they are claimed in the combination that have not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

7. Applicant's arguments filed 08/25/05 with respect to claim 7 have been fully considered but they are not persuasive.

Applicant argued that "Contrary to the Examiner's comments concerning Little, the fact is that patent fails to disclose anything remotely similar to the claimed construction". This argument is not persuasive. The Examiner's position is that, giving the claim the broadest reasonable interpretation, the Little reference does read on the claimed features recited in claim 7. The rejection stands.

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Contact Information

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 3, 2005

Jianchun Qin Examiner Art Unit 2837

SUPERVISORY PATENT EXAMINER